THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
and
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No. 12127 of 2007

O R D E R: (Per the Hon'ble Smt. Justice T. Meena Kumari)

This writ petition is filed challenging the order dated 19.10.2006 passed by the A.P. Administrative Tribunal, Hyderabad in O.A. No. 6988 of 2003.

The respondent No.1 herein filed O.A. No. 6988 of 2003 seeking to set aside the Memo No. 4297/Vig.II (3)/2001-7 dated 28.7.2003 issued by the 3rd respondent herein and the consequential instructions dated 16.8.2003 in C.C.L.A. Ref. No. V.S.II (2)/1275/2003 issued by the 4th respondent herein and the instructions dated 28.9.2003 issued by the petitioner herein as illegal and contrary to G.O.Rt. No. 850 dated 6.5.2003. The Tribunal, after hearing the learned counsel for the parties and perusing the material available on record, allowed the said O.A. Aggrieved, the petitioner, who was the 4th respondent in the O.A., filed this writ petition.

Heard the learned counsel for the petitioner and perused the material available on record.

A perusal of the material available on record discloses that no procedure is followed as contemplated under the A.P. Revised Pension Rules for making any recoveries from the pensionary benefits of the petitioner particularly in view of the fact that the departmental proceedings against respondent No.1 were dropped and he was fully exonerated. Even in the counter filed by the respondents before the Tribunal, no Rule was quoted under which

such recovery shall be effected, especially when the respondent No.1 – applicant has been exonerated. The fact that the respondent No.1 – applicant was fully exonerated is not in dispute. Further, in pursuance of G.O. Rt. No. 850 dated 6.5.2003 the Collector is also said to have issued consequential proceedings for treating the period of suspension of the respondent No.1 – applicant as on duty. Therefore, the Tribunal rightly set aside the memo dated 28.7.2003 and directed to release the amount to respondent No.1 – applicant. We find no illegality or irregularity in the order passed by the Tribunal warranting interference of this Court.

This writ petition is devoid of merit. It is accordingly dismissed.

T. MEENA KUMARI,

J.

G. CHANDRAIAH, J.

Date: 15-06-2007.

MVB.